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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,094	11/18/2003	William Baker	18534.53	4857

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CARDINALLAW GROUP  
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SUITE 2000  
EVANSTON, IL 60201

EXAMINER
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DATSKOVSKIY, MICHAEL V

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/716,094

Applicant(s)

BAKER, WILLIAM



Examiner

Michael V. Datskovskiy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-12 and 14-18 is/are rejected.
- 7) ☐ Claim(s) 4 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/20/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Applicant's election with traverse of claims 1-18 in the reply filed on 01/19/2006 is acknowledged. The traversal is on the ground(s) that applicant respectfully asserts that scope of claims 1-18 of invention I encompasses a computer service cart having embodiments employing the power shedding circuit of Invention II as recited in dependent claims 9 and 18. This is not found persuasive because as it was pointed out in the Election/Restriction Office Action, a power shedding circuit as it is claimed in claims 19-20 of invention II is not for an exclusive use with a computer service cart only, but could be used elsewhere with any kind of batteries recharging device.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

3. Claims 1-3, 5-8, 9-12, 14-18 are rejected under 35 U.S.C. 102(e) as being anticipated by McConnell et al (US Patent Application Publication 2003/0028588 A1).

McConnell et al teach a computer servicing cart 100, Figs. 1-11, comprising: a first battery servicing compartment 113 disposed in the outer cabinet for selectively storing and recharging one or more batteries 505 (paragraphs [0084] and [0079]); a first computer storage compartment disposed in the outer cabinet

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and including a first electrical outlet 403 for selectively charging one or more computers 401 (paragraph [0077]); and a first internal power supply 501 for providing power to at least the first battery servicing compartment 113. McConnell et al teach furthermore said computer servicing cart of claim 1 wherein the first internal power supply 501, Fig. 5, is selectively connectable to an external electrical outlet by a power cord 502; and wherein the computer storage compartment further comprises: at least one shelf 110; at least one electrical outlet 403 adjacent to each shelf; and at least one compartment adapted to conceal at least one 403 adapter for use with a computer. McConnell et al teach furthermore said computer servicing cart of claim 1 wherein the outer cabinet further comprises a plurality of wheels 104 attached to a frame of a cart, and wherein the computer servicing cart of claim 1 further comprising a ventilation cooling system (paragraphs [0072]; [0081] and [0082]). McConnell et al teach furthermore said computer servicing cart is adaptable to store and charge different types or computers and batteries respectively (paragraph [0089]).

Regarding to claims 9 and 18: McConnell et al teach said computer service card of claims 1 or 10, comprising there are several power supplies: 404, 407 and 501, wherein each of them is current-limiting (paragraphs [0075], [0076] and [0077]). It inherently means that they comprise some type of a current-sensing device to measure current drawn from the external electrical outlet, , and a set of relays to control power to computer storage compartments 110, and some kind of a logic circuit to control said relays. Regarding to the recitation that said logic circuitry is adapted for performing certain functions: It has been held that the

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recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison, 69 USPQ 138. Also these functional recitation has not been given patentable weight because they are narrative in form. In order to be given patentable weight, a functional recitation must be expressed as a "means" for performing the specified function, as set forth in 35 USC § 116, 6<sup>th</sup> paragraph, and must be supported by recitation in the claim of sufficient structure to warrant the presence of the functional language. In re Fuller, 1929 C.D. 172; 388 O.G. 279.

***Allowable Subject Matter***

4. Claims 4 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: The computer service cart as of claims 2 or 12, wherein each shelf has a recessed portion near a front end adapted to facilitate insertion and removal of computers.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Wu (US Patent Application Publication 2003/0184035A1); Huggins (US Patent 6,545,863); Heatley (US Patent Application Publication 2005/0158616A1); Wixted et al (US Patent Application Publication 2003/0141687A1); Haggerty (US Patent Application Publication 2003/0111245A1); Jenkins, Jr. (US Patent 6,493,217); Kozlowski (US Patent

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6,218,796); McConnell et al (US Patent Application Publication 2005/0110461A1); and West et al (International PCT Application WO 97/49161).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V. Datskovskiy whose telephone number is (571) 272-2040. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael V Datskovskiy  
Primary Examiner  
Art Unit 2835

02/15/2006